

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

| | |
|---------------------------------------|-----------------------------------|
| EMILIANO RODRIGUEZ- | § |
| RODRIGUEZ; BENITO HERNANDEZ | § |
| MORENO; JOSE ANTONIO VIVEROS | § |
| BARRADAS; JOSE ANTONIO VIVEROS | § |
| GARCIA; ANTONIA GARCIA | § |
| MONTERO; and CRISPIN DIAZ | § |
| MORENO, | § |
| Plaintiffs, § | |
| v. | § Civil Action No. 3:15-CV-3815-L |
| BIG BIRD TREE SERVICE, INC.; | § |
| MANASSEH A. PHILIP; APOLLOS | § |
| PHILIP; and JOHN DOES 1-10, | § |
| Defendants. § | |

CONSENT JUDGMENT

Whereas, Plaintiffs, EMILIANO RODRIGUEZ-RODRIGUEZ, BENITO HERNANDEZ MORENO, on behalf of themselves and Opt in Plaintiffs, have alleged violations of the Fair Labor Standards Act (FLSA);

Whereas, Defendants, BIG BIRD TREE SERVICES, INC., APOLLOS PHILIP, and MANASSEH A. PHILIP, have timely answered and denied that Plaintiffs are entitled to damages under the FLSA;

Whereas, the parties have informed the court that they have entered into a compromise Settlement Agreement;

Whereas, the court has issued an order approving the Settlement Agreement; and

Whereas, pursuant to the Settlement Agreement and Order approving the Settlement Agreement, Defendants, without admitting they have violated any provision of the Fair Labor Standards Act, have agreed to the entry of this Consent Judgment.

Accordingly, it is hereby **ordered, adjudged and decreed** that Plaintiffs, EMILIANO RODRIGUEZ-RODRIGUEZ, BENITO HERNANDEZ MORENO and opt-in Party Plaintiffs JOSE ANTONIO VIVEROS BARRADAS, JOSE ANTONIO VIVEROS GARCIA, ANTONIO GARCIA MONTERO, and CRISPIN DIAZ MORENO (collectively, “Plaintiffs”) shall have judgment individually against Defendants BIG BIRD TREE SERVICES, INC., APOLLOS PHILIP, and MANASSEH A. PHILIP (collectively, “Defendants”), jointly and severally, in the amount of \$66,633.26;

It is further **ordered, adjudged and decreed** that the judgment amount of \$66,633.26 shall be distributed to Plaintiffs individually as set forth in the chart below and paid pursuant to the approved Settlement Agreement:

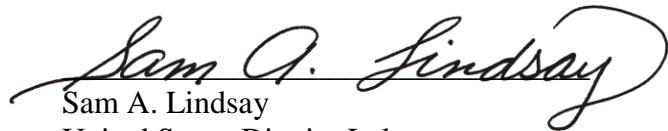
| Plaintiff (Last, First) | Individual Judgment Award |
|------------------------------------|----------------------------------|
| Diaz-Moreno, Crispin | \$12,187.46 |
| Garcia-Montero, Antonio | \$12,833.33 |
| Hernandez Moreno, Benito | \$11,054.70 |
| Rodriguez, Emilano | \$12,973.62 |
| Viveros Garcia, Jose Antonio Jr. | \$ 7,842.85 |
| Viveros Barradas, Jose Antonio Sr. | \$ 9,741.30 |

It is further **ordered, adjudged and decreed** that Plaintiffs’ attorneys shall have judgment against Defendants, jointly and severally, in the amount of \$45,600 for attorneys’ fees and in the amount of \$1,766.74 for costs of court, and the amounts shall be paid pursuant to the approved Settlement Agreement;

It is further **ordered, adjudged and decreed** that Plaintiffs and Plaintiffs' attorneys shall have the right to execute on this Consent Judgment pursuant to the terms set forth in the Settlement Agreement; and

It is further **ordered, adjudged and decreed** that postjudgment interest shall accrue on the total amount of the Consent Judgment (**\$114,000**) at the applicable federal statutory rate as of the date of its entry until it is paid in full.

Signed this 22nd day of March, 2018.



Sam A. Lindsay
United States District Judge